

SEP 10 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OMAR RODRIGUEZ-OCAMPO,

Defendant - Appellant.

No. 07-30466

D.C. No. CR-07-00017-MA

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Oregon  
Malcolm F. Marsh, District Judge, Presiding

Submitted September 8, 2008\*\*

Before: TASHIMA, SILVERMAN, and N.R. SMITH, Circuit Judges.

Omar Rodriguez-Ocampo appeals from the 30-month sentence imposed following his guilty-plea conviction for illegally reentering the United States

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

following deportation, in violation of 8 U.S.C. § 1326(a). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Rodriguez-Ocampo contends that the district court erred by applying a 16-level enhancement for a prior crime of violence, pursuant to U.S.S.G.

§ 2L1.2(b)(1)(A), because he did not have a prior conviction for an aggravated felony. The district court did not err. The term “crime of violence” in

§ 2L1.2(b)(1)(A) is not limited to “aggravated felonies” as defined in

8 U.S.C. § 1101(a)(43), but also encompasses felony convictions as defined by the application notes to § 2L1.2. *See United States v. Pimentel-Flores*, 339 F.3d 959, 963 (9th Cir. 2003).

**AFFIRMED.**